IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

WP(C).No. 28456 of 2006(K)

PETITIONER:

K.I.ABDUL KALAM, S/O.ISMAIL,
AGED 50 YEARS, THE DIRECTOR, TALENT PUBLIC SCHOOL, NJARAKKAL P.O.

BY ADV. SRI.T.K.AJITHKUMAR (VALATH)

RESPONDENTS:

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1. THE NJARAKKAL GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, GRAMA PANCHAYAT OFFICE, NJARAKKAL, PIN-682 505.

2. THE PRESIDENT, NJARAKKAL GRAMA PANCHAYAT, NJARAKKAL, PIN-682 505.

3. KUNJAPPAN, S/O.MYLAN, AGED ABOUT YEARS, PROPRIETOR, NMK COMPANY, ARATTUVAZHI KADAPPURAM ROAD, NJARAKKAL P.O.

4. JIBIN, S/O.KRISHNANKUTTY,
AGED ABOUT YEARS, PROPRIETOR,
BVK ENTERPRISES, ARATTUVAZHI KADAPPURAM ROAD, NJARAKKAL P.O.

BY ADV. SRI.S.B.PREMACHANDRA PRABHU
SRI.M.N.SANJITH
SRI.N.HARIDAS (r4)
SRI.H.SUNDEEP
SRI.P.N.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 28456 of 2006

Dated this 30th day of November, 2006

JUDGMENT

A counter affidavit has been filed by the 4th respondent. Heard the submission of the learned counsel for the petitioner and the counsel for the party respondents as well as the Standing Counsel for the Panchayat.

2. Having regard to the submissions, I am of the view that this court will not be justified in invoking the extraordinary jurisdiction under Article 226 of the Constitution of India . The petitioner submitted Ext.P1 complaint and the same is pending. The counsel for the Panchayat would submit that on previous occasion the petitioner had filed a like complaint and in enquiry on that complaint it was noticed that the allegations levelled therein are not correct. The documents placed on record along with the counter affidavit would reveal that respondents 3 and 4 are functioning on the strength of licences and sanctions from the concerned statutory authorities including the Pollution

Control Board which is not made a party to the writ petition. If any genuine pollution problem is generated by the fish processing units causing health hazards to the children attending the petitioner's school the petitioner can approach the public health authority and also the environmental engineer of the Pollution Control Board and then approach the Panchayat on the strength of orders obtained from those authorities.

With the above observation, this writ petition is dismissed.

PIUS C.KURIAKOSE
Judge

dpk